

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PACSEC3, LLC,

Plaintiff,

v.

IMPERVA, INC.,

Defendant.

Civil Action No. 6:22-cv-00167-ADA

**PLAINTIFF/COUNTER-DEFENDANT'S ORIGINAL ANSWER TO
COUNTERCLAIMS**

PacSec3, LLC (“PacSec3”) files this Original Answer to Defendant/Counter-Plaintiff Imperva, Inc. (“Imperva”)’s Counterclaims.¹

COUNTERCLAIMS

1. Admitted that Imperva has filed counterclaims. Denied as to the remainder.²

I. THE PARTIES

2. Admitted.

3. Admitted.

II. JURISDICTION AND VENUE

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

¹ Doc. No. 8.

² Paragraph numbering coincides with the paragraph numbering beginning on page 4 of the counterclaim.

FIRST COUNTERCLAIM – DECLARATION OF NON-INFRINGEMENT OF U.S. PATENT NO. 7,523,497³

9. No response is believed necessary.
10. Admitted.
11. Admitted.
12. Denied.
13. Denied.
14. Admitted Imperva seeks relief. Denied that Imperva is entitled to the relief it seeks.

SECOND COUNTERCLAIM – DECLARATION OF INVALIDITY OF U.S. PATENT NO. 7,523,497

15. No response is necessary.
16. Admitted.
17. Admitted.
18. Admitted that the ‘497 patent is subject to reexamination. Denied as to the remainder.
19. Denied.
20. Denied.
21. Denied.
22. Admitted Imperva seeks relief. Denied that Imperva is entitled to the relief it seeks.
23. Denied that Impervba is entitled to the relief it seeks in 1st Prayer.

DEFENSES AND AFFIRMATIVE DEFENSES

PacSec3 alleges and asserts the following defenses and affirmative defenses in response to the allegations in the Complaint. Regardless of how such defenses are listed herein, PACSEC3 undertakes the burden of proof only as to those defenses that are deemed affirmative

³ Counterclaims begin on page 5 of Doc. No. 8.

defenses as a matter of law. In addition to the defenses described below, PACSEC3 reserves all rights to amend or supplement these defenses as additional facts become known.

- IMPERVA has failed to allege how the patent is invalid;
- IMPERVA has failed to allege how the case is extraordinary.

Reservation of Additional Defenses

PACSEC3's investigation of this matter is ongoing. It reserves all defenses under the Federal Rules of Civil Procedure, the patent laws of the United States, other applicable state or federal laws, and any other defenses, at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

Respectfully submitted,

Ramey LLP

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of May 16, 2022, with a copy of the foregoing via e-mail.

/s/William P. Ramey, III
William P. Ramey, III

